

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MURRAY LARSON, and JOAN
LARSON,

Plaintiffs,

v.

TYSON FRESH MEATS, INC., f/k/a
IBP, INC.,

Defendant.

CASE NO. 8:00CV529

ORDER RE: TRIAL PREPARATION
(CIVIL JURY TRIAL)

1. **CIVIL TRIAL SCHEDULE:**

The trial is scheduled to commence on Tuesday, February 6, 2007.

2. **MOTIONS TO CONTINUE:**

Any motion to continue a trial must be accompanied by a supporting affidavit and a proposed order, and delivered to Magistrate Judge Gossett.

**THE FOLLOWING MATERIAL MUST BE SUBMITTED NO LATER THAN
FIVE (5) WORKING DAYS BEFORE THE SCHEDULED DATE OF TRIAL.:**

3. **PRETRIAL SUBMISSIONS:**

- A. The following documents shall be **filed electronically** with the Clerk of the Court: joint exhibit list, proposed jury instructions and verdict form(s).
- B. In addition, each party shall e-mail to my chambers (smithcamp@ned.uscourts.gov) in either Word or WordPerfect format a copy of the proposed jury instructions, verdict form(s), witness list, and exhibit list.

4. **DISCOVERY MATERIAL:**

The use of discovery material as substantive evidence, including depositions excerpts and responses to request to admissions, shall be pursuant to the January 10, 2007, Order on Final Pretrial Conference (a copy of which has been mailed to counsel today) and, if necessary, pursuant to the following:

A. Depositions:

Proponent: The proponent of a deposition to be used at trial shall deliver a copy of the deposition to my chambers. If less than the entire deposition will be offered, the proponent shall deliver: (1) a list or index designating by page and line(s) the testimony to be offered, and (2) a copy of the entire deposition with highlighted parts to be offered.

Objections: A list or index of objections to another party's designated deposition testimony shall be delivered to my chambers and shall identify by page and line the location of the objection and shall identify the precise nature of the objection.

B. Videotaped Depositions:

Proponent: Videotaped depositions shall be delivered to my chambers as stated in the previous paragraph. The proponent shall provide a transcript with the prospective testimony indexed and highlighted.

Objections: A list or index of objections to another party's designated videotaped testimony shall be delivered to my chambers. The court may require editing of the video tape in response to pretrial rulings on objections.

C. Interrogatories and Requests for Admissions:

The format and requirements for use of, and objections to, deposition testimony shall also apply to answers to interrogatories and requests for admissions, including matters deemed admitted because unanswered. See Fed. R. Civ. P. 36(a).

5. EXHIBITS:

A. Original Exhibits:

Exhibits shall be properly listed and identified on a joint exhibit list using the form supplied by the Clerk of Court's Office, also available at the court website: www.ned.uscourts.gov/local/local.html.

B. Court's Copies:

Each proponent of exhibits shall prepare a three-ring binder containing a copy of each exhibit to be offered for my reference. The binder shall be organized by dividers and tabs for quick retrieval of an exhibit during trial, and shall be delivered to chambers no later than five (5) days before the scheduled date of trial.

6. WITNESSES - Rule 26 Disclosures and Reports:

Each party shall deliver to my chambers a copy of the Fed. R. Civ. P. 26(a)(2) disclosures regarding that party's expert witnesses identified in the Pretrial Order.

7. REQUESTS FOR INTERPRETERS OR COURTROOM EQUIPMENT:

Please notify the courtroom deputy at least a week in advance if the services of an interpreter will be required for a hearing or trial. Please notify the courtroom deputy before trial if you request the use of the ELMO evidence presenter, a large screen television, an illustrator pad/printer, an overhead projector, an easel, or headsets for the hearing impaired.

8. CONDUCT OF TRIAL:

I will meet with counsel in chambers at 8:30 a.m. on the first day of trial. Trial will commence at 9:00 a.m. each day, unless otherwise ordered. The court will conduct a general voir dire examination. Counsel may supplement, but not repeat, the Court's voir dire examination. Any suggested questions for voir dire by the Court shall be delivered to my chambers. The Court may impose a time limit on counsels' voir dire. Examination of witnesses will be by direct, cross, and redirect examination, but not recross unless authorized by the Court.

9. SETTLEMENT:

By noon on the Friday before trial is scheduled to occur, counsel for all parties shall contact chambers to receive instructions regarding how the court may be notified

of any settlement reached when the Court is not open for business. It is the responsibility of the counsel for all parties to notify the court immediately of any settlement. If the Court is not so notified, or if settlement is reached after a jury panel is called to appear, costs may be assessed against the parties.

SO ORDERED.

DATED this 18th day of January, 2007.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge